

DOCKET SECTION

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268

PRESIDING OFFICER'S
RULING NO. R97-142
RECEIVED
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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

Postal Rate and Fee Changes

Docket No. R97-1

PRESIDING OFFICER'S RULING CONCERNING WITNESSES SPONSORING LIBRARY REFERENCES (October 10, 1997)

During evidentiary hearings, and in recently filed pleadings, Postal Service counsel have indicated that the Service intends to provide witnesses to sponsor certain library references. See for example, Response of United States Postal Service to Newspaper Association of America Motion to Strike Testimony of United States Postal Service Witness Joseph D. Moeller and Notice of Intent to File Testimony, filed October 6, 1997. Several participants have interposed objections to receipt of this material into evidence, in addition to suggesting that previously submitted testimony which relies on this material should not be received into evidence.

I have preserved a general objection for any counsel that wishes to contend that accepting documents initially provided as library references into evidence under the procedural circumstances of this case has denied due process, or is otherwise inconsistent with acceptable administrative procedures.

Participants intending to perfect such an objection are to file written motions. Motions concerning the admission into evidence of materials initially submitted as library references are to be filed by October 16, 1997. During the hearing of October 9, 1997, I indicated that I would allow seven days for responses, or until October 23, 1997. In order to maintain an orderly hearing schedule, I will shorten the time for responses

from seven to five days. Thus, responses to motions concerning the admission of library references are to be filed by October 21, 1997.

On or before October 14, 1997, the Postal Service is to submit a list of those library references it has announced the intention of offering as evidence, and the names of witnesses who will sponsor that evidence. If possible, cross-examination of those witnesses concerning materials they are sponsoring as evidence will be conducted on October 23 and 24, 1997.


If the Postal Service subsequently determines to offer additional library references as evidence, it will be necessary to schedule hearings with sufficient lead time for participants to prepare cross-examination.

During the October 9, 1997, hearing, it was agreed that witness Daniel would return to stand cross-examination concerning USPS-ST-43 on October 23, 1997. I will also schedule the appearance witness McGrane, presenting USPS-ST-44, for October 23, 1997.

RULING

1. Motions contesting the receipt of evidence sponsoring materials previously submitted as library references, and motions contesting the receipt into evidence of testimony relying on information developed in library references that have not been received into evidence are to be filed by October 16, 1997. Responses are to be filed by October 21, 1997.

2. The revised schedule for appearance of Postal Service witnesses is set out in Attachment A.


Edward J. Gleiman
Presiding Officer

REVISED (10/9/97) SCHEDULE FOR HEARINGS TO RECEIVE
THE DIRECT CASE OF THE POSTAL SERVICE

Witness

October 6, 1997	O'Hara (USPS-T-30)
October 7, 1997	Needham (USPS-T-39) Miller (USPS-T-23) Schenk (USPS-T-27) Plunkett (USPS-T-40) Lion (USPS-T-24) Treworgy (USPS-T-22) *Currie (USPS-T-42)
October 8, 1997	Nelson (USPS-T-19) Fronk (USPS-T-32) Hatfield (USPS-T-25) Seckar (USPS-T-26) Sharkey (USPS-T-33) *Musgrave (USPS-T-8)
October 9, 1997	Crum (USPS-T-28) Daniel (USPS-T-29)
October 10, 1997	Hume (USPS-T-18) Moeller (USPS-T-36)
** October 13, 1997	No hearings, Federal holiday
October 14, 1997	Nieto (USPS-T-2) Bradley (USPS-T-13) Wade (USPS-T-20)
October 15, 1997	Hatfield (USPS-T-16) Mayes (USPS-T-37) Adra (USPS-T-38)

October 16, 1997	Pafford (USPS-T-1) Tayman (USPS-T-9) *Macdonald (USPS-T-10) Panzar (USPS-T-11) Takis (USPS-T-41)
October 17, 1997	Taufique (USPS-T-34) *Kaneer (USPS-T-35) Bernstein (USPS-T-31) Baron (USPS-T-17) *Harahush (USPS-T-3)
October 20, 1997	Bradley (USPS-T-14) Moden (USPS-T-4)
October 21, 1997	Degen (USPS-T-12) Brehm (USPS-T-21)
October 22, 1997	Thress (USPS-T-7) Tolley (USPS-T-6) Alexandrovich (USPS-T-5) Patelunas (USPS-T-15)
October 23, 1997	Daniel (USPS-ST-43) McGrane (USPS-ST-44)

Additional witnesses may be scheduled for October 23, 24, 1997.

* No participant other than the Office of the Consumer Advocate indicated that it expected to cross-examine witnesses identified with an asterisk [*]. If no participant files a timely request for oral cross-examination (special rule 4.B.), two copies of the corrected testimony, subscribed by the witness (see rule 11(e)) may be moved into evidence without the appearance of the witness.